

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 15, 2001
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Absent: Council Members Edwards and Wagstaff.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda E. Bratcher.

Mayor Tennyson called the meeting to order and at that time, Council Member Langley read a "Resolution Honoring Sidney Arthur Brodie."

Council Member Blyth read "Resolutions Honoring Hildegard S. Ryals and Wayne Cash."

Mayor Tennyson reported that he along with City Manager Conner attended the NCLM's Annual Conference in Asheville, NC and noted that the City of Durham will be hosting the Annual Conference scheduled for October 18-20, 2002.

Council Member Stith congratulated the two high school students who received the City of Medicine Award and thanked the Durham Chamber of Commerce for sponsoring the Multi-Culture Business Network.

Council Member McKissick thanked Hildegard Ryals and Wayne Cash for their leadership and contribution to Durham.

Council Member Blyth reported that she attended the 10th Annual Law Enforcement Memorial in Washington, DC where the Durham Police Choir performed.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk.

Relative to GBA Items #8 [Downtown Redevelopment Technical Assistance] & 9 [Contract for Management Services], City Manager Marcia Conner noted amendments have been made to these contracts relative to language. Also, she noted that on October 16, 2001, the Durham Civic Center will be hosting the Zig Ziglar Seminar and highlighted downtown parking arrangements that have been made for this event.

City Attorney Henry Blinder requested a continuation of a closed session from the Committee-of-the-Whole Meeting (October 11, 2001) in the matter of Kennedy vs. Board of Adjustment after the regular meeting of Council.

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MOTION by Council Member Larson seconded by Council Member Jacobs to go into a closed session after the regular meeting of Council to discuss pending litigation in the matter of Kennedy vs. Board of Adjustment was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

There were no priority items from the City Clerk.

Mayor Tennyson noted a revision to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items were pulled]**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

[CONSENT AGENDA]

SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BICYCLE HELMET MINI-GRANT

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt the "City of Durham North Carolina and North Carolina Department of Transportation 'Bicycle Helmet Mini-Grant' Grant Project Ordinance" authorizing the acceptance of grant funds in the amount of \$2,000 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12412

SUBJECT: NORTH CAROLINA POLICE CORPS PROGRAM

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt the "City of Durham North Carolina and North Carolina Department of Crime Control and Public Safety Police Corps Grant Project Ordinance" authorizing the acceptance of grant funds in an amount up to \$209,000 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

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Ordinance #12413

SUBJECT: REPLACEMENT OF EXISTING COMMUNICATION TOWER AND TEN-YEAR LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND BELL SOUTH PERSONAL COMMUNICATIONS, LLC - HUCKLEBERRY RESERVOIR

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize BellSouth Personal Communications, LLC to install a replacement tower at Huckleberry Reservoir in accordance with City's specifications, and approved by the Development Review Board; and

To authorize the City Manager to execute a ten-year Lease and License Agreement between the City of Durham and BellSouth Personal Communications, LLC, and to authorize the City Manager to make any changes she deems necessary so long as they do not change the intent and purpose of the Lease was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: CONTRACT FOR DOMESTIC VIOLENCE PROJECT AND COMMUNITY LIFE COURT - CITY OF DURHAM - ADMINISTRATIVE OFFICE OF THE COURTS

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute the Contract for Domestic Violence Project and Community Life Court between the City of Durham and the Administrative Office of the Courts in the sum of \$75,000 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: FEE REIMBURSEMENT POLICY, PROGRAM GUIDELINES AND REIMBURSEMENT FUND TO MEET HUD CERTIFICATION #3 AND TO SUPPORT DURHAM'S RENEWAL COMMUNITY APPLICATION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to design a fee reimbursement policy, program guidelines and establish a reimbursement fund in the amount of \$15,000 from the City Council Contingency Fund to meet HUD's Renewal Community certification requirements was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

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Note: These actions shall be required only if Durham receives Renewal Community designation from HUD.

SUBJECT: ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint William A. Anderson, III to the Environmental Affairs Board for the category of Law--term will expire June 1, 2004 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint the following citizens to the newly established Durham Bicycle and Pedestrian Advisory Commission was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Amanda Arnold--three-year term (ending August 31, 2004)
Heather Fisher--two-year term (ending August 31, 2003)
Hannah Knott--one-year term (end August 31, 2002)
Paul D. Naylor--one-year term (ending August 31, 2002)
Perry Pike--two-year term (ending August 31, 2003)
Peter J. Schubert--three-year term (ending August 31, 2004)

Note: Terms are three-year terms; however, initial terms are to be staggered as shown above.

SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD - APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint Anne M. Peele to the Multi-Jurisdictional Advisory Board--term will expire April 1, 2004 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - MAYOR'S NOMINEE FOR APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Mayor's nomination of Shelly A. Green for

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appointment to the Passenger Vehicle for Hire Commission--term will expire January 1, 2003 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: SITE PLAN APPROVAL - LUMLEY ROAD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Lumley Road Subdivision, submitted by John R. McAdams Company, Inc. on behalf of Vantage Property Development, LLC, consisting of 121 single family lots and open space on a ±44.85 acre site, zoned OI-2 and RD and located south of Lumley Road, east of Miami Boulevard and north of T.W. Alexander Drive (Tax #579-01-01B and #647-01-07; PIN #0749-04-81-8804 and #0759-03-12-2034 and City Atlas Page 46, A-2 and A-3) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: SITE PLAN APPROVAL - PAGEHURST SUBDIVISION, PHASE 4

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Pagehurst Subdivision, Phase 4, submitted by William G. Daniel and Associates on behalf of Perfect Corporation, consisting of 91 townhomes and open space on an ±11.39 acre site, zoned OI-2 and located south of Lumley Road, west of Page Road and north of T.W. Alexander Drive (Tax Map #580B-03-04A; PIN #0759-03-41-1123 and City Atlas Page 46, B-2 and B-3) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: FIRE LANE DESIGNATION ON PRIVATE PROPERTY - COASTAL FEDERAL CREDIT UNION, 5400 SOUTH MIAMI BOULEVARD

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance to Designate a Fire Lane on Private Property Devoted to Public Use under the Authority of Durham City Code Section 20-190, Category XVII. Fire Lanes on Private Property Devoted to Public Use"--Coastal Federal Credit Union, 5400 South Miami Boulevard was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

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SUBJECT: FIRE LANE DESIGNATION ON PRIVATE PROPERTY - MCDOUGALD TERRACE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance to Designate a Fire Lane on Private Property Devoted to Public Use under the Authority of Durham City Code Section 20-190, Category XVII. Fire Lanes on Private Property Devoted to Public Use"--Alley Way located between Dayton and Truman Streets in the McDougald Terrace Public Housing Community was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12415

SUBJECT: ACQUISITION OF PROPERTY FOR STADIUM DRIVE EXTENSION - DUKE UNIVERSITY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the acquisition of approximately 1.97 acres, land only, property of Duke University, Tax Map 302-01-001, for \$49,520 for the extension of Stadium Drive was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: SITE CLEARANCE AND EROSION CONTROL PROJECT FOR THE OPERATIONS AND MAINTENANCE FACILITY OF THE DURHAM AREA TRANSIT AUTHORITY (DATA) - BILLINGS & GARRETT, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that Billings & Garrett, Inc. is the lowest responsible bidder and to authorize the City Manager to award the contract to Billings & Garrett, Inc., in the amount of \$129,700; and

To establish a contingency fund in the amount of \$20,000 for unexpected soil conditions; and

To authorize the City Manager to negotiate and execute Change Orders for this project provided the total cost of all Change Orders does not exceed \$20,000 and the total project cost does not exceed the Capital Project Ordinance total of \$3,785,000 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

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SUBJECT: AMENDMENT TO SEWER USE ORDINANCE FOR CONTROLLING FAT, OIL, AND GREASE DISCHARGED BY FOOD PREPARATION/PROCESS FACILITIES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Enacting Amendments to Chapter 23, The Sewer Use Ordinance Regarding the Removal of Fat, Oil and Grease" as amended was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12416

SUBJECT: BROWN WATER TREATMENT PLANT (WTP) AND WILLIAMS WATER TREATMENT PLANT (WTP) CHEMICAL FEED AND RAW WATER PUMP IMPROVEMENTS - SEASIDE UTILITIES, INC. - VIA ELECTRIC COMPANY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with Seaside Utilities, Inc. for Contract 2A - General Construction in the amount of \$547,000 for the Brown WTP and Williams WTP Chemical Feed and Raw Water Pump Improvements Project; and

To authorize the City Manager to execute a contract with Via Electric Company for Contract 2B - Electrical Construction in the amount of \$202,500 for the Brown WTP and WTP Chemical Feed and Raw Water Pump Improvement Project; and

To authorize the City Manager to execute any necessary Change Orders encountered during the construction of the Brown WTP and William WTP Chemical Feed and Raw Water Pump Improvements Project, provided the total cost of the project does not exceed the project amount of \$824,450, which includes a contingency of ten (10) percent; and

To authorize the City Manager to modify the contracts before execution provided the modifications do not increase the dollar amount of the contracts and are consistent with the general intent of the contracts approved by City Council was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: SOLID WASTE TRANSFER STATION REHABILITATION PROJECT - PATRIOT BUILDING CO., INC.

MOTION by Council Member Larson seconded by Council Member Jacobs

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to authorize the City Manager to execute a contract with Patriot Building Co., Inc. in the amount of \$162,500 for the Solid Waste Transfer Station Rehabilitation Project; and

To authorize the City Manager to execute any necessary Change Orders encountered during the Solid Waste Transfer Station Rehabilitation Project provided the total cost of all Change Orders added to the contract bid does not exceed the project budget amount of \$195,000, which includes a contingency of twenty (20) percent; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the contract approved by City Council was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: BUDGET ORDINANCE AMENDMENT #6 - STORM WATER FUND AND CITYWIDE STORM WATER INFRASTRUCTURE INVENTORY PROJECT CONTRACT AMENDMENT AND STORMWATER UTILITY BUDGET AMENDMENT - HAYES, SEAY, MATTERN & MATTERN, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Amending the FY 2001-2002 City of Durham Budget Ordinance, the Same Being Ordinance 12336" in the amount of \$382,301 for the Storm Water Fund to complete the storm water inventory project; and

To authorize the City Manager to execute Amendment #3 to the agreement with Hayes, Seay, Mattern & Mattern, Inc. (CT-071368) for extra work to complete the project was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance # 12417

SUBJECT: STATE OF NORTH CAROLINA - CONSERVATION EASEMENT SANDY CREEK (CITY ATLAS PAGE 27, D-1)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to dedicate a conservation easement to the State of North Carolina was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

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SUBJECT: AUTHORIZATION FOR PAYMENT TO D. W. WARD CONSTRUCTION COMPANY, INC. FOR SECOND FLOOR ADMINISTRATIVE OFFICE RENOVATION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Finance Officer to pay D. W. Ward Construction Company, Inc. \$13,771 for additional work on the second floor administrative office renovation was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: US 15-501 MAJOR INVESTMENT STUDY - PHASE II

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the report on the US 15-501 Major Investment Study - Phase II and to make the study available for public comment was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: UPDATE ON THE HOTEL/MOTEL OCCUPANCY TAX LEGISLATION

MOTION by Council Member Larson seconded by Council Member Jacobs to receive an update on the Hotel/Motel Occupancy Tax legislation was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - LYNN ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance establishing a 25 mile per hour speed limit on Lynn Road from US 70 to Pleasant Drive was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12418

SUBJECT: STOP SIGNS - AUTUMN RIDGE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:21 p.m. by the

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following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

- 1) Autumn Ridge Drive at Carey Place, northeast corner;
- 2) Carey Place at Bivins Road, northwest corner;
- 3) Carey Place at Crystal Creek Drive, southeast corner;
- 4) Corktree Court at Crystal Creek Drive, southeast; corner; and
- 5) Crystal Creek Drive at Autumn Ridge Drive, north corner.

Ordinance #12419

SUBJECT: STOP SIGNS - COOK ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs on Cook Road at Martin Luther King, Jr. Parkway, northwest and northeast corners was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12420

SUBJECT: STOP SIGN - COUNTRY CLUB ESTATES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Horizon Circle at Country Club Drive, southwest corner was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12421

SUBJECT: STOP SIGN - FELIX STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Felix Street at Hoover Road, southwest corner was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12422

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SUBJECT: STOP SIGNS - GRAND PARK SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

- 1) Carey Place at Mystic Drive, southwest corner;
- 2) Carey Place at Mystic Drive, northeast corner; and
- 3) Carey Place at Bivins Road, south corner.

Ordinance #12423

SUBJECT: STOP SIGN - LAUREL GLEN SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Azzi Court at Bungalow Avenue, northeast corner was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12424

SUBJECT: STOP SIGNS - LANDON FARMS SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

- 1) Landon Farms Lane at Buffalo Way, east and west corners;
- 2) Landon Farms Lane at Geer Street, east and west corners;
- 3) Landon Farms Lane at Great Bend Drive, southwest corner;
- 4) Great Bend Drive at Spring Creek Drive, northwest corner; and
- 5) Great Bend Drive at Buffalo Way, north corner.

Ordinance #12425

SUBJECT: STOP SIGNS - STONE HILL SUBDIVISION

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to repeal that portion of Ordinance #11315, adopted December 15, 1997, authorizing the installation of stop signs at the following locations was

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approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

- a) Destrier Drive at Lodestone Drive, northwest and southeast corners;
- b) Obsidian Way at Destrier Drive, northwest and southeast corners;
- c) Opel Court at Lodestone Drive, northeast corner;
- d) Pyrite Place at Destrier Drive, southwest corner;
- e) Quartz Drive at Lodestone Drive, southwest corner; and
- f) Sapphire Drive at Quartz Drive, southwest and northeast corners.

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- 2) **MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs on Quartz Drive at Sapphire Drive, northwest and southeast corners was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Ordinance #12427

SUBJECT: STOP SIGNS - STRAUSS DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

- 1) Strauss Drive at Angier Avenue, southeast corner; and
- 2) Strauss Drive at Miami Boulevard, southwest corner.

Ordinance #12428

SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting public hearings on Monday, November 5, 2001 for confirmation of the following assessment rolls was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and

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McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

- a. **Curb, Gutter and Paving on Orindo Drive** - from Barbee Road east to east property line of Tax Map #553-4-19;
- b. **Water and Sewer Laterals on Orindo Drive** - from Barbee Road east to east property line of Tax Map #553-4-19;
- c. **Sidewalk on Orindo Drive (Both Sides)** - from Barbee Road to east property line of Tax Map #553-4-19;
- d. **Curb, Gutter and Paving on Ebon Road** - from Barbee Road to Grundy Street; and
- e. **Water and Sewer Laterals on Ebon Road** - from Barbee Road to Grundy Street.

SUBJECT: STREET ACCEPTANCE - CLAYTON CROSSING, LENOX - PHASE I, DURHAM HOUSING AUTHORITY, HOPE VALLEY GREEN AND COURTNEY CREEK

MOTION by Council Member Larson seconded by Council Member Jacobs to accept certain streets, as listed, for maintenance by the City of Durham was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

Clayton Crossing

- 1) **Hounds Chase Drive** - from the centerline of Ginger Hill Lane south to the centerline of Alpha Drive (834') and,
- 2) **Ginger Hill Lane** - from the east ditch line of Clayton Road west to the end of construction @ STA 3+39.42 (314') and,
- 3) **Callahan Circle** - from the centerline of Hounds Chase Drive west thru the cul-de-sac (158'.)

Lenox - Phase I

- 1) **Liddington Road** - from the centerline of Bishopstone Drive west to the east edge of Meadowbrook Road ROW (330') and,
- 2) **Bishopstone Drive** - from the south ditch line of Neal Road south past Ellisfield Drive thru the cul-de-sac (1,435') and,
- 3) **Ellisfield Drive** - from the centerline of Bishopstone Drive east then south thru the cul-de-sac (640') and,

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- 4) **Ellisfield Drive** - from the centerline of Bishopstone Drive west to the end of Phase I (105'.)

Durham Housing Authority

- 1) **Glasson Street** - from the west curb line of Morrene Road west then south then east to the centerline of Mordecai Street (1,750') and,
- 2) **Mordecai Street** - from the west curb line of Morrene Road west then south to the end of street @ STA 18+79.99 (855') and,
- 3) **Holton Street** - from the centerline of Glasson Street southeast to the centerline of Mordecai Street (447'.)

Hope Valley Green

- 1) **Sun Valley Drive** - from the centerline of Meadowrun Drive north to the end of construction @ STA 4+05 (824') and,
- 2) **Sun Valley Drive** - from the centerline of Meadowrun Drive east thru the cul-de-sac (458') and,
- 3) **Meadowrun Drive** - from the west ditch line of Hope Valley Road northward thru the cul-de-sac (1,519') and,
- 4) **Summertime Court** - from the centerline of Meadowrun Drive east thru the cul-de-sac (282'.)

Courtney Creek

- 1) **Courtney Creek Boulevard** - from the west ditch line of NC Hwy 55 north to the centerline of Contravest Parkway (1,725') and,
- 2) **Contravest Parkway** - from the west ditch line of NC Hwy 55 westward past Courtney Creek Parkway to end of construction @ STA 4+44 (394.)

Mayor Tennyson noted that Council Member Wagstaff would not be in attendance tonight due to her completing her accreditation training.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: CURB, GUTTER AND PAVING, SEWER MAIN AND WATER AND SEWER LATERALS ON CATALPA STREET - FROM CHEEK ROAD TO ELLINGTON STREET

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering curb, gutter and paving, sewer main and water and sewer laterals on Catalpa Street from Cheek Road to Ellington Street was approved at 7:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: WATER MAIN ON MARYWOOD DRIVE - FROM THE EAST PROPERTY LINE OF TAX MAP 773-3-3 TO THE NORTH PROPERTY LINE OF TAX MAP 773-5-10 AND KARA PLACE FROM MARYWOOD DRIVE TO THE END OF THE CUL-DE-SAC

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering water main on Marywood Drive from the east property line of Tax Map 773-3-3 to the north property line of Tax Map 773-5-10 and Kara Place from Marywood Drive to the end of the cul-de-sac was approved at 7:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: APPROVAL OF 2001 LOCAL LAW ENFORCEMENT BLOCK GRANT SPENDING PLAN AND GRANT PROJECT ORDINANCE

To receive a report from the Police Department concerning the recommended 2001 Local Law Enforcement Block Grant Spending Plan.

To receive citizens' comments concerning the proposed Spending Plan.

If no public comment is heard to alter the recommended allocations of funds, to approve the proposed spending plan and to adopt the "City of Durham North Carolina and the U.S. Department of Justice, Bureau of Justice Assistance 'Local Law Enforcement Block Grant' FY 2001/2002 Grant Project Ordinance."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ralph McKinney, of 3104 Winston Road, raised a concern about the

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allocation of funds noting the money should be given back to the federal government.

Lavonia Allison, representing the Durham Committee on the Affairs of Black People, urged Council to change what the recommendation covers to add foot and bicycle patrols in this grant to deal with the drug situation on Fayetteville Street.

Larry Hester, of 3526 Abercromby Drive, stated the Southeast Durham Business District has come before Council on four previous occasions to request walking and bicycle patrol for Fayetteville Street. Also, he read a petition noting it had been signed by 600 citizens requesting a 24-hour walking and bicycle patrol and one undercover officer be established immediately for the Greater Southeast Durham Business District. We further request that this patrol be a permanent assignment of officers to Beat 411 of Police District 4. Further, he thanked the Council for one officer already in the area and noted this grant is an opportunity for Council to direct funds to an area where citizens have expressed a need.

Denise Hester, of 3526 Abercromby Drive, requested grant funding for walking and bicycle patrols for the Greater Southeast Durham Business District. Also, she expressed concern that no funding was earmarked for community policing for this area.

Henry Little, a citizen of Durham, requested funds be allocated for police visibility in the North Durham area and for sensitivity training for police officers.

Mayor Tennyson noted that Council Member Wagstaff wanted to go on record in opposition to this item.

The public hearing was declared closed by Mayor Tennyson.

Council Member McKissick asked District Attorney Jim Hardin, Jr. what is the difference between the Gang Prosecution Initiative and the Habitual Offender Program.

District Attorney Jim Hardin, Jr. briefed Council noting that the Habitual Offender Program was focused primarily on the prosecution of individuals. The gang initiative would re-adjust that focus and the individual would act as a conduit between various law enforcement organizations to define gangs and their members; help identify those that may be selected out of that group and placed into community resources such as the STARRS program or the Greater Durham YMCA initiative. Also, he noted the person could act as a prosecutor to assist law enforcement to identify those involved in gang activity.

Council Member McKissick asked Police Chief Chambers what would be the cost for operating bicycle/foot patrol for a substantial presence in the Southeast Durham Business District.

Police Chief Chambers noted that she did not have the figures at

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hand and made comments about the one full-time officer working in the Fayetteville Street Business District. Also, the Chief noted a second person was allocated as a part of last year's budget and this will become a two-person team of community policing and \$50,000 is currently being spent for foot patrol in the business quarter during the hours those businesses are open.

Council Member McKissick asked Police Chief Chambers if there is bike patrol in the area.

Police Chief Chambers replied not specifically for that area.

Police Chief Chambers noted the decision on how to spend the money must be completed by October 31, 2001.

Council Member McKissick noted that he would like for staff to find some resources that could be put for bike patrol and foot patrol in this neighborhood above and beyond what is presently committed.

Police Chief Chambers noted that they have identified another need in the police department for biohazard equipment for officers.

Council Member Langley spoke in support of job opportunities for gang members.

Council Member Hill asked Police Chief Chambers how would the bio-hazard equipment issue be addressed.

Police Chief Chambers replied we will look at federal forfeiture and tax stamp funds.

Council Member Hill asked Police Chief Chambers about the increase amount allocated for Fayetteville Street.

Police Chief Chambers made comments noting it was the equivalent of one officer and \$50,000 in overtime.

Council Member Stith raised a concern that Council did not have enough time to deliberate on this matter due to the timing/deadline of this issue.

A motion was made by Council Member Stith seconded by Mayor Pro Tempore Clement to approve the item as printed on the agenda with a change to the recommended allocation of \$65,000 previously indicated for the District Attorney's Gang Prosecution Initiative be re-allocated to provide resources for the Southeast Durham Business District.

Due to a citizen request, Mayor Tennyson re-opened the public hearing.

Victoria Peterson, a citizen of Durham, requested police officers walking the beat in the 4th District and expressed a concern about the various reports she received on how the \$448,000 in CDBG funds

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were spent by the Police Department in 1998.

Mayor Tennyson declared the public hearing closed.

City Manager Conner informed Council that she would provide them with a memorandum on how the 1998 CDBG funds were spent by the Police Department and noted the \$448,000 was used for overtime funds for the Police Department in targeted areas.

Council Member Larson commented on his attendance at a PAC District 3 meeting and noted they voted in support of the allocation request before Council tonight.

A substitute motion was made by Council Member Larson seconded by Council Member Blyth to approve this item as printed on the agenda.

A substitute to the substitute motion was made by Mayor Pro Tempore Clement seconded by Council Member McKissick to refer this item to the Citizens Review Board for additional review of reallocation of funds for the "Southeast Durham Business District" and to set a Special City Council Meeting on Monday, October 29, 2001 at 3:00 p.m.

Council Member Jacobs asked Larry Hester if the \$65,000 would accommodate their request.

Larry Hester, of 3526 Abercromby Drive, noted no.

Council Member Blyth spoke in opposition to the substitute to the substitute motion made by Mayor Pro Tempore Clement and requested Ms. Victoria Petersen to provide Council with copies of the various reports she made reference to concerning the spending of \$448,000 in CDBG funds.

Council Member Cheek spoke in support of funding the District Attorney's gang initiative.

Mayor Tennyson spoke in support of the recommended allocation of funds for this item.

Council held discussion on the identification process for gang members, Habitual Felon Program, crime rate statistics, increase in budget for Fayetteville Street, Parents Against Gangs Initiative and Citizens Advisory Board membership.

SUBSTITUTE TO THE SUBSTITUTE MOTION by Mayor Pro Tempore Clement seconded by Council Member McKissick to refer this item to the Citizens Review Board for additional review of reallocation of funds for the "Southeast Durham Business District" and to set a Special City Council Meeting on Monday, October 29, 2001 at 3:00 p.m. **FAILED** at 8:36 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Jacobs and McKissick. Noes: Mayor Tennyson and Council Members Blyth, Cheek, Hill, Langley, Larson and Stith. Absent: Council Members

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Edwards and Wagstaff.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Blyth to receive a report from the Police Department concerning the recommended 2001 Local Law Enforcement Block Grant Spending Plan; and

To receive citizens' comments concerning the proposed Spending Plan; and

To approve the proposed spending plan and to adopt the "City of Durham North Carolina and the U.S. Department of Justice, Bureau of Justice Assistance 'Local Law Enforcement Block Grant' FY 2001/2002 Grant Project Ordinance" as amended **FAILED** at 8:36 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Cheek, Hill and Larson. Noes: Mayor Pro Tempore Clement and Council Members Burnette, Jacobs, Langley, McKissick and Stith. Absent: Council Members Edwards and Wagstaff.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Clement to receive a report from the Police Department concerning the recommended 2001 Local Law Enforcement Block Grant Spending Plan; and

To receive citizens' comments concerning the proposed Spending Plan; and

To approve the proposed spending plan with a change to the recommended allocation of \$65,000 previously indicated for the District Attorney's Gang Prosecution Initiative be re-allocated to provide resources for the Southeast Durham Business District and to adopt the "City of Durham North Carolina and the U.S. Department of Justice, Bureau of Justice Assistance 'Local Law Enforcement Block Grant' FY 2001/2002 Grant Project Ordinance" as amended **FAILED** at 8:37 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Jacobs, Langley and Stith. Noes: Mayor Tennyson and Council Members Blyth, Cheek, Hill, Larson and McKissick. Absent: Council Members Edwards and Wagstaff.

MOTION by Council Member Larson seconded by Council Member Langley to re-consider the substitute to the substitute motion was approved at 8:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Jacobs, Langley, Larson, Stith and McKissick. Noes: Council Member Hill. Absent: Council Members Edwards and Wagstaff.

SUBSTITUTE TO THE SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Jacobs to refer this item to the Citizens Review Board for additional review of reallocation of funds for the "Southeast Durham Business District" and to set a Special City Council Meeting on Monday, October 29, 2001 at 3:00 p.m. was approved at 8:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Burnette, Cheek, Jacobs, Langley, Larson and McKissick. Noes: Council Members Hill and Stith. Absent: Council Members Edwards and Wagstaff.

[EXCUSE COUNCIL MEMBER STITH]

MOTION by Council Member Larson seconded by Council Member Jacobs to excuse Council Member Stith from the Council Meeting was approved at 8:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff.

SUBJECT: STREET CLOSING - VERNA PLACE (SC01-02)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "City of Durham Order Permanently Closing 480± Linear Feet (31,100± Square Feet) of Verna Place" was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

Ordinance #12429

SUBJECT: NC 54/I-40 CORRIDOR STUDY PLAN

To receive the staff report and the NC 54/I-40 Corridor Study Draft (including Map Book).

To receive citizens' comments on the NC 54/I-40 Corridor Study Plan (including Map Book).

To adopt the NC 54/I-40 Corridor Study Plan (including Corridor Study Draft Plan, two parts--Narrative and Map Book; update dated June 25, 2001; and update labeled Housing).

T. E. Austin, of the City/County Planning Department, briefed Council on this item noting this is a completion of a project that has lasted two years, and in August 2000, Council approved Subarea A. Also, he noted this item is related to Subareas B and C which is between Research Triangle Park, Fayetteville Street and 751 to the town of Chapel Hill which looks at specific land use, transportation and design options.

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bill Anderson, of 2705 Guess Road, spoke in opposition to this item noting this plan is a huge step in the wrong direction. Also, he raised a concern relative to urban sprawl and density issues.

Conrad Neumann, of 5412 George King Road, spoke in support of the plan and urged Council to save some of the areas as low density.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, distributed a packet of information to Council entitled, "Kentington Heights Property Owners for Commercial Designation Association." She noted the plan as it is written does not have the input of property owners that it affects, expressed a concern that property owners were not informed of meetings and the plan does not reflect mixed-use for Kentington Heights which Council approved last year.

Bruce Plumer, of 1106 Queensbury Circle, urged Council to approve the land use plan.

John Gray, a citizen of Durham, spoke in support of the land use plan.

Mayor Tennyson declared the public hearing closed.

Mayor Pro Tempore Clement asked the City Attorney what impact would the lawsuit filed by residents of the County have on the City's action regarding this plan.

City Attorney Henry Blinder briefed Council noting the City is not a part of the lawsuit.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Langley to defer action on this plan until the pending lawsuit has been litigated.

Council Member McKissick asked staff what are the elements of the plan and does it include Kentington Heights.

T. E. Austin briefed Council on the plan before them tonight noting that it consists of land use designations of Subareas B and C and the additional text that goes along with the document. Also, he noted Kentington Heights is not specifically a part of what is being considered tonight. They are a part of Subarea A and the text for the mixed-use in Kentington Heights was adopted last August.

City Attorney Henry Blinder explained how the land use map differs between the City and County when considering rezoning requests.

A substitute motion was made by Council Member McKissick seconded by Council Member Cheek to approve the item as printed on the agenda.

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Council Member Larson asked staff what is the consistency of policies in this document with the 2020 Plan.

T. E. Austin, of the City/County Planning Department, explained that the land use plan does the following: concentrates on the higher intensity, particularly the non-residential uses, along the urban corridor that is identified and the 2020 Plan along NC 54 and at intersections along I-40 and the major transportation corridor; suggests that a portion of NC 55 and below 54 to the County line also be designated as urban corridor; provides higher density residential in that urban corridor; supports the widening of NC 54, shows distinct differences between suburban and rural land uses, concentrates on land use along the transit corridors and protects the natural area.

Council Member Burnette asked staff for clarification on Kentington Heights in relation to the plan.

T. E. Austin, of the City/County Planning Department, noted there is nothing new in the plan that deals specifically with Kentington Heights. The language that was adopted in August 2000 is specifically on Kentington Heights outlining the type of mixed-use and how the development should occur. There are general design guidelines specifically that deal with edges of residential and non-residential development and a portion of Kentington Heights is undeveloped. Those design guidelines will come into play if you choose to adopt this document and the land is annexed into the City. It would come into play now because it is in the County's jurisdiction and has been adopted by the County. Also, he noted design guidelines apply to Kentington Heights.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, stated that Kentington Heights is specifically talked about in the plan on page 25. She commented on what Council approved last year noting that in the mixed-use designation--there is supposed to be commercial also. According to the new NC 54/I-40 Plan, it takes away the commercial designation from Kentington Heights.

Council Member Burnette spoke in opposition to this plan because of the conflict of information/interpretation concerning Kentington Heights.

Council Member Blyth made reference to page 25 in the plan and asked staff for clarification on what the mixed-use ordinance would allow mixed use to include.

T. E. Austin, of the City/County Planning Department, stated that the mixed-use ordinance which is different from the mixed-use land use designation in these plans allow for a mixture of different zoning districts that require specific percentages of different zoning districts. The mixed-use designations in the plan are identified by text in the document. Page 25 lists specifically the mixed-use for Kentington Heights and other areas that are identified. Also, he noted this plan does not deal with any

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specific zoning.

Council Member Blyth raised a concern about what was voted on last year for Kentington Heights. She noted her intention was for the plan to recommend that the mixed-use ordinance be an appropriate zoning to apply for this particular property [Kentington Heights] and the plan outlines something different. Also, she made comments about amending Subarea A.

T. E. Austin, of the City/County Planning Department, noted the language identified as implementation measure #8 and the explanatory paragraph after it was adopted in August of last year by Council and in October by the County Commissioners.

Council Member Blyth stated I apologize because I voted for that and that's not what I was under the impression I was voting for last year.

Council Member McKissick made comments about what was approved last year noting that he stated for the record that within a mixed-use land use classification, it would allow for a mixture of uses--that being residential, office and a limited amount of commercial.

To clarify the ambiguity, Council Member McKissick suggested that language be added to the plan after "commercial use to the North" which could include a limited amount of commercial uses.

Council Member Blyth noted that she would like for it to refer to the mixed-use ordinance.

Council Member Blyth made a friendly amendment to the substitute motion to add language that a limited amount of commercial use be in compliance with the mixed-use ordinance in Subarea A for Kentington Heights.

Council Member Cheek withdrew his second from the substitute motion.

Council Member Blyth seconded the substitute motion.

SUBSTITUTE TO THE SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Hill to hold this item until the November 5, 2001 City Council Meeting with a report to be given by the administration at the November 1, 2001 Committee-of-the-Whole Meeting **FAILED** at 9:36 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Cheek, Hill, Jacobs, Langley and Larson. Noes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette and McKissick. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Blyth to receive the staff report and the NC 54/I-40 Corridor Study Draft (including Map Book); and

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To receive citizens' comments on the NC 54/I-40 Corridor Study Plan (including Map Book); and

To adopt the NC 54/I-40 Corridor Study Plan (including Corridor Study Draft Plan, two parts--Narrative and Map Book; update dated June 25, 2001; and update labeled Housing) and to add language to include that a limited amount of commercial use be in compliance with the mixed-use ordinance in Subarea A for Kentington Heights **FAILED** at 9:37 p.m. by the following vote: Ayes: Council Members Blyth and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley and Larson. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to defer action on this plan until the pending lawsuit has been litigated **FAILED** at 9:37 p.m. by the following Vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Jacobs, Langley and Larson. Noes: Mayor Tennyson and Council Members Blyth, Cheek, Hill and McKissick. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

MOTION by Council Member McKissick seconded by Council Member Blyth to reconsider the substitute to the substitute motion was approved at 9:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Council Member Burnette. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

SUBSTITUTE TO THE SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Langley to hold this item until the November 5, 2001 City Council Meeting with a report to be given by the administration at the November 1, 2001 Committee-of-the-Whole Meeting was approved at 9:39 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Member Burnette. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

Council held discussion on Kentington Heights, land use plan, Subareas A and C, mixed-use ordinance and the land use designation.

SUBJECT: ZONING MATTER - CASE P01-45 - MILLENNIUM PROPERTIES - 583 ACRES, AT THE INTERSECTION OF HARMONY ROAD AND COOK ROAD SOUTH OF JULIETTE DRIVE

Case: P01-45

Applicant: Millennium Properties

Location: .583 acres, at the intersection of Harmony Road and Cook Road, south of Juliette Drive (Tax Map 518, Block 5, Lot 16; City Street Atlas Page 37, B-1)

Request: Rezoning from R-20 (Residential 20 District) to R-10

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(Residential 10 District)

Zoning Committee's Recommendation and Vote: Approval; 7-0

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as R-10 was approved at 9:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

[OTHER MATTERS]

SUBJECT: DURHAM HOSIERY MILL RESTRUCTURING REQUEST

MOTION by Council Member Larson seconded by Council Member Cheek to approve, in concept, the proposed Durham Hosiery Mill Office of Multifamily Housing Assistance Restructuring (OMHAR) plan and to authorize the City Manager to execute documents to subordinate the City's Urban Development Action Grant (UDAG) second mortgage to a third position, subordinate the City's Land Loan third mortgage to a fourth position and to refund outstanding Urban Redevelopment Mortgage Revenue Bonds and reduce the first mortgage by approximately \$2.9 million. Execution of these documents is contingent upon the City Manager being satisfied that the protections, for the bondholders and the City, created by the original financing are still in place with the exception of the subordination of the City's second and third mortgages was approved at 9:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Council Member Blyth. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

SUBJECT: DOWNTOWN REDEVELOPMENT TECHNICAL ASSISTANCE - MASTER PLAN ADVISORS - AMERICAN TOBACCO AND LIGGETT REDEVELOPMENT PROJECTS

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Master Plan Advisors to provide technical assistance on the American Tobacco and Liggett Redevelopment projects; and

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To authorize the City Manager to execute amendments to the contract so long as such amendments are consistent with this agenda item and spending under the contract does not exceed \$160,000 was approved at 9:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Council Member Blyth. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

SUBJECT: CONTRACT FOR MANAGEMENT SERVICES - CITY OF DURHAM - NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS (NFBPA) - INTERNATIONAL CITY COUNTY MANAGEMENT ASSOCIATION (ICMA) - NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM)

Council Member McKissick raised a concern about the amount of funds for this item.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract between the City of Durham and the National Forum for Black Public Administrators (NFBPA), in conjunction with the International City County Management Association (ICMA) and the North Carolina League of Municipalities (NCLM), in an amount not to exceed \$75,000.00 to provide consultants to perform specific management services; and

To authorize the City Manager to execute amendments to the contract so long as such amendments are consistent with this agenda item and spending under the contract does not exceed \$75,000 was approved at 9:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Council Member Blyth. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

SUBJECT: AMENDMENT TO CONTRACT WITH MORRIS AND MCDANIEL, INC. FOR THE POLICE DEPARTMENT PROMOTIONAL ASSESSMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amendment to the original contract with Morris & McDaniel, Inc. for the Police Department Assessment Center in the amount of \$56,646.83; and

To authorize the City Manager to further modify the contract before execution provided that such modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing contract was approved at 9:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

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[SUPPLEMENTAL ITEM]

SUBJECT: APPOINTMENT TO DURHAM CONVENTION AND VISITORS BUREAU

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the appointment of Commissioner Joe W. Bowser to the Durham Convention and Visitors Bureau for a term to expire October 31, 2003 [replacement for Council Member Mary D. Jacobs] was approved at 9:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: None. Absent: Council Members Edwards and Wagstaff. Excused Absence: Council Member Stith.

There being no further business to come before the City Council, the meeting was adjourned into closed session at 9:43 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk